

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JACOB ANDREW BERGERON,

Petitioner,

-against-

DIANNE DAVIS, et al.,

Respondents.

21-CV-6767 (LTS)

ORDER OF DISMISSAL

LAURA TAYLOR SWAIN, Chief United States District Judge:

Petitioner, who is proceeding *pro se*, filed this petition for a writ of *habeas corpus*. He submitted the petition without a signature and without payment of the \$5.00 filing fee or a request for authorization to proceed *in forma pauperis* (IFP), that is, without prepayment of fees.

By order dated August 13, 2021, the Court directed Petitioner, within thirty days, to complete, sign, and submit to the Court a declaration form to attest that he is the party who brings this action, and to either pay the \$5.00 filing fee or complete and submit an IFP application. That order specified that failure to comply would result in dismissal of the petition. Petitioner has not filed a declaration and an IFP application or paid the filing fee. Accordingly, the petition is denied without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

Because Petitioner has not at this time made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

The Clerk of Court is directed to mail a copy of this order to Petitioner and note service on the docket.

SO ORDERED.

Dated: September 23, 2021
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge